

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARL JOHAN FRIDDLE,
ERIN HILBUN,
BRENDA GERHARDT, and
C. ALEXANDER TURNER, JR.

Appeal No. 2005-0731
Application 09/974,712

ORDER DISMISSING APPEAL

MAILED

SEP 26 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
GRIMES, Administrative Patent Judge.

Per curiam.

On October 20, 2003, appellants filed a Notice of Appeal. On September 20, 2005, appellants filed a communication stating that they were "withdraw[ing] the present appeal . . . without prejudice and without disclaimer in order to pursue claims in a continuing application."

Accordingly, it is

ORDERED that the appeal filed October 20, 2003, is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

Michael R. Fleming
Michael R. Fleming, Chief
Administrative Patent Judge

Gary V. Harkcom
Gary V. Harkcom, Vice Chief
Administrative Patent Judge

Eric Grimes
Eric Grimes
Administrative Patent Judge

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) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
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